

60-DAY NOTICE OF VIOLATION

SENT IN COMPLIANCE WITH CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)

DATE: July 11, 2014

To: Amazon.com, Inc.; Televisa Consumer Products USA, LLC; Genomma Lab Internacional; Innovative Beauty Products; Lakeview Laboratories Inc.; ACM Global LLC; PHYSICIAN LABORATORIES INC.; Earth Therapeutics Ltd.; Essential beauty by RCS Walgreen Co.; Fapia Cosmetics srl; Fapia Cosmetics srl. c/o Lenco Beauty; Bella Moi; CROWN LABORATORIES, INC.; Rite Way Medical; Betty Beauty, Inc.; American International Industries; Lautus Pharmaceuticals, LLC.; BioZone Laboratories Inc.; Summers Laboratories, Inc.; H2K of Harrogate; Dr. Miracles LLC; Chambers Sales; Laboratoires Colba Inc.; Imperial Distributors, Inc.; Qod Cosmetic USA; AVEYOU Beauty Boutique; Neogen Corporation; Foal, LLC;
California Attorney General's Office;
District Attorney's Office for 58 Counties; and
City Attorney's Office for Los Angeles, San Diego, San Jose and San Francisco.

From: Shefa LMV, LLC

I. INTRODUCTION

Our name is Shefa LMV, LLC. We are citizens and a Limited Liability Company of the State of California acting in the interest of the general public. We seek to promote awareness of exposures to toxic chemicals in products sold in California and, if possible, to improve public health and safety by reducing the hazardous substances contained in such items. This Notice is provided to the parties listed above pursuant to California Health & Safety Code §25249.6, et seq. ("Proposition 65"). The violations alleged by this Notice consist of product exposures, routes of exposures, and types of harm that may potentially result from exposures to the toxic chemical ("listed chemical") identified below:

Product Exposure:	See Section VII, Exhibit A
Listed Chemical:	Coconut Oil Diethanolamine Condensate AKA Cocamide DEA;
Routes of Exposure:	Dermal absorption; Ingestion; and Inhalation
Types of Harm:	Carcinogen

II. NATURE OF ALLEGED VIOLATION (PRODUCT EXPOSURE)

The specific type of product that is causing consumer and occupational exposures in violation of Proposition 65, and which is the subject of this Notice, is listed under "Product Category/Type" in Exhibit

A in Section VII below. All products within the type covered by this Notice shall be referred to hereinafter as the “products.” The sales of these products in California dating at least as far back as **June 23, 2013** are subject to this Notice. As a result of the sales of these products, exposures to the listed chemical have been occurring without clear and responsible warnings as required by Proposition 65. Without proper warnings regarding the toxic effects of exposures to the listed chemical, resulting from contact with the products from dermal and ingestion exposure as well as inhalation, California citizenry lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the toxic chemical from the reasonably foreseeable use of the products.

Through the act of buying, acquiring and using the products, citizens of California are exposed to the listed chemical in homes, workplaces and elsewhere throughout California where these products are utilized. Exposure to consumers includes, but is not limited to, bathing their bodies, their pets or their children. Exposure in the line of occupation can be in a salon-type setting or pet grooming, or any similar occupation. Exposure to consumers includes, but is not limited to, when handling the product Cocamide DEA is absorbed through dermal, and other migration pathways, including but not limited to incidental ingestion after one touch's the chemical and then touch's food or otherwise places his hands on or near his lips where his tongue can or will continue this pathway to ingestion exposure. Exposure may continue to occur for a significant period after the initial contact. People likely to be exposed are women, men, infants and children. These violations and threatened violations pertain to Proposition 65 chemicals that are listed by the state as known to cause cancer.

III. CONTACT INFORMATION

Please direct all questions concerning this notice to us through our counsel’s offices at the following address:

Daniel N. Greenbaum, Esq.
14752 Otsego Street
Sherman Oaks, CA 91403
Phone: 310.200.2631
Email: danielgreenbaumesq@gmail.com

IV. PROPOSITION 65 INFORMATION

For general information concerning the provisions of Proposition 65, please feel free to contact the Office of Environmental Health Hazard Assessment (“OEHHA”) in the Proposition 65 Implementation Office at (916) 445-6900. For the alleged Violator(s), I have attached a copy of “Proposition 65 in Plain Language” which has been prepared by OEHHA.

V. RESOLUTION OF NOTICED CLAIMS

Based on the allegations set forth in this Notice, I intend to file a citizen enforcement lawsuit against the alleged Violator(s), unless such Violator enters into a binding written agreement to: (1) recall products already sold or undertake best efforts to ensure that the requisite health hazard warnings are

provided to those whom have received such products; (2) provide clear and reasonable warnings for products sold in the future, or reformulate such products to eliminate the Cocamide DEA exposures.

If the alleged Violator is interested in resolving this dispute without resorting to time-consuming and expensive litigation, please feel free to contact my counsel identified in Section III. It should be noted that neither my counsel nor I can: (1) finalize any settlement until after the 60-day Notice period elapses; nor (2) speak for the Attorney General or any District Attorney or City Attorney who received this Notice. Therefore, while reaching an agreement that will resolve my claims, such an agreement may not be approved by the Attorney General after referral to them, or by the court as the last voice on settlements.

VI. ADDITIONAL INFORMATION

Product

Shampoo/Soap

Retailer(s)

Amazon.com, Inc.;
Walgreen Co.;

Manufacturer(s)/Distributor(s)

Televisa Consumer Products USA, LLC; Genomma Lab Internacional; Innovative Beauty Products; Lakeview Laboratories Inc.; ACM Global LLC; PHYSICIAN LABORATORIES INC.; Earth Therapeutics Ltd.; Essential beauty by RCS; Fapia Cosmetics srl; Fapia Cosmetics srl. c/o Lenco Beauty; Bella Moi; CROWN LABORATORIES, INC.; Rite Way Medical; Betty Beauty, Inc.; American International Industries; Lautus Pharmaceuticals, LLC.; BioZone Laboratories Inc.; Summers Laboratories, Inc.; H2K of Harrogate; Dr. Miracles LLC; Chambers Sales; Laboratoires Colba Inc.; Imperial Distributors, Inc.; Qod Cosmetic USA; AVEYOU Beauty Boutique; Neogen Corporation; Foal, LLC;

VII. EXHIBIT A

Identified below are named products which contain the alleged chemicals at issue, and this reference is supportive of the material facts that are a part of my counsels Certificate of Merit that is attached hereto as being available for purchase or use in California that is within the category or type of offending product covered by this Notice. Based on publicly available information, the retailers, distributors and/or manufacturers of the example within the category or type of product are also provided below. I believe and allege that the sale of the offending products also has occurred without the requisite Proposition 65 “clear and reasonable warnings” at one or more locations and/or via other means including, but not limited to, transactions made over-the-counter, business to business, through the internet, and/or via catalog by the alleged Violator(s) and other distributors and retailers of the product.

<u>Product Category</u>	<u>Specific Product</u> ¹	<u>UPC</u>	<u>Retailer</u>	<u>Manufacturer/Distributor</u>
Shampoo	Medicasp tar gel dandruff shampoo	650066000508	Walgreens	Televisa Consumer Products USA, LLC
Shampoo	Medicasp tar gel dandruff shampoo	650066000508	Walgreens	Genomma Lab Internacional
Tint Kit	Godefroy tint Kit	186297000067	Amazon.com	Innovative Beauty Products
Soap	Tattoo Goo	855569000134	Amazon.com	Lakeview Laboratories Inc.
Soap	Tattoo Goo	855569000134	Amazon.com	ACM Global LLC
Shower Oil	Seba Med Cleansing Shower Oil	850039001116	Amazon.com	PHYSICIAN LABORATORIES INC.
Soap	Earth Therapeutics Loofah Oatmeal and Honey	704694096300	Amazon.com	Earth Therapeutics Ltd.
Soap	Earth Therapeutics Loofah Oatmeal and Honey	704694096300	Amazon.com	Essential beauty by RCS
Skin cleaner	Walgreens Antiseptic Skin Cleaner	311917122397	Drugstore.com	Walgreens
Shampoo	Fapia Color Care Perfecta Pro Line	8010014006457	Amazon.com	Fapia Cosmetics srl.
Shampoo	Fapia Color Care Perfecta Pro Line	8010014006457	Amazon.com	Fapia Cosmetics srl. c/o Lenco Beauty
Shampoo	Fapia Color Care Perfecta Pro Line	8010014006457	Amazon.com	Bella Moi
Shampoo	Ala Seb medicated Shampoo	303160114045	Amazon.com	CROWN LABORATORIES, INC.
Shampoo	Ala Seb medicated Shampoo	303160114045	Amazon.com	Rite Way Medical
Hair Tint	Fun betty hot pink	857435004109	Amazon.com LLC	Betty Beauty, Inc.

¹ We are identifying herein for all recipients’ benefit to assist in its investigation of, among other things, the magnitude of potential exposure to the listed chemical from other items within the product category listed in Exhibit A. It is important to note that this example does not represent an exhaustive or comprehensive identification of any or all specific products. Further, it is our position that the alleged Violator(s) are obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violator(s)’ custody or control) during the relevant period so as to ensure that the requisite toxic warnings are provided to California citizens prior to purchase.

Nail care	Supernail Cuticle Softener and Remover	073930316503	Amazon.com LLC	American International Industries
Soap	Glyderm gentle face Cleaner	855841003006	Amazon.com	Lautus Pharmaceuticals, LLC.
Soap	Glyderm gentle face Cleaner	855841003006	Amazon.com	BioZone Laboratories Inc.
Shampoo	Tarsum Shampoo gel	794731011021	Amazon.com	Summers Laboratories, Inc.
Shower gel	H2K Sensual with Vitamin E	4893336520276	Amazon.com LLC	H2K of Harrogate
Shampoo	H2K Sensual with Vitamin E	4893336520283	Amazon.com LLC	H2K of Harrogate
Hair Relaxer	Dr. Miracle's Thermalceutical Intensive No lye relaxer	897127000224	Amazon.com	Dr. Miracles LLC
Hair Relaxer	Dr. Miracle's Thermalceutical Intensive No lye relaxer	897127000224	Amazon.com	Chambers Sales
Body Wash	Alpen Shea Butter Body Wash	067944834955	Amazon.com LLC	Laboratoires Colba Inc.
Body Wash	Alpen Shea Butter Body Wash	067944834955	Amazon.com LLC	Imperial Distributors, Inc.
Shampoo	QOD Gold	7898939450095	Amazon.com	Qod Cosmetic Usa
Shampoo	QOD Gold	7898939450095	Amazon.com	AVEYOU Beauty Boutique
Pet Shampoo	Squire Pet Shampoo	726087791364	Amazon.com	Neogen Corporation
Pet Shampoo	Squire Shampoo	726087791364	Amazon.com	Foal, LLC

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this case or action. My business address is:

14752 Otsego Street, Sherman Oaks, CA 91403

A True and Correct copy of the documents entitled **60 DAY NOTICE OF VIOLATION; CERTIFICATE OF MERIT; THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY** will be served or was served in the manner stated below:

I. Interested Parties (Served via Certified Mail): On July 11, 2014, I served the following persons and/or entities at the last known addresses by placing a true and correct copy thereof in a sealed envelope in the United States Mail, postage prepaid, and addressed as follows:

Televisa Consumer Products USA, LLC	ATTN: CEO or President	4550 Post Oak Place Dr., Suite 326, Houston TX 77027
Genomma Lab Internacional	ATTN: CEO or President	Durango No. 332 Int. 102, Ciudad De Mexico, Distrito Federal, 06700 Mexico
Innovative Beauty Products	ATTN: CEO or President	1288 West Arkansas Lane, ARLINGTON, TX 76013
Lakeview Laboratories Inc.	ATTN: CEO or President	800 BRAZOS ST STE 400, AUSTIN, TX 78701-2548
ACM Global LLC	ATTN: CEO or President	11546 E. Washington Blvd. Unit B, Whittier, CA 90606
PHYSICIAN LABORATORIES INC.	ATTN: CEO or President	9730 RESEARCH DRIVE, IRVINE, CA 92618
Earth Therapeutics Ltd.	ATTN: CEO or President	163 E. Bethpage Rd., Plainview, NY 11803
Essential Beauty by RCS	ATTN: CEO or President	7840 Ingram St., Jacksonville, FL 32221
Walgreens	ATTN: CEO or President	200 Wilmot Rd., Deerfield, IL 60015
Fapia Cosmetics srl.	ATTN: CEO or President	Via Vaccareccia, 11 - 00040 Pomezia (RM) Italy
Fapia Cosmetics srl. c/o Lenco Beauty	ATTN: CEO or President	1595 Yosemite Drive, Milpitas, CA 95035
Bella Moi	ATTN: CEO or President	220 US highway 46 Ste 105, Little Ferry, NJ 07643-1413
CROWN LABORATORIES, INC.	ATTN: CEO or President	349 LAFE COX DR., JOHNSON CITY, TN 37604-7469
Rite Way Medical	ATTN: CEO or President	7520 West Waters Ave., #6, Tampa, FL 33615
Betty Beauty, Inc.	ATTN: CEO or President	53 Mary Ln., Riverside, CT 06878
American International Industries	ATTN: CEO or President	2220 Gaspar Avenue, Los Angeles, CA 90040-1516
Lautus Pharmaceuticals, LLC.	ATTN: CEO or President	129 Summit Avenue, Summit, NJ 07901
BioZone Laboratories Inc.	ATTN: CEO or President	580 Garcia Avenue, Pittsburg, CA 94565
Summers Laboratories, Inc.	ATTN: CEO or President	103 G.P. Clement Drive, Collegeville, PA 19426
H2K of Harrogate	ATTN: CEO or President	17 Parliament Street, Harrogate, North Yorkshire, HG1 2QU, ENGLAND
Dr. Miracles LLC	ATTN: CEO or President	183 Madison Ave., Ste 405, New York, NY 10016
Chambers Sales	ATTN: CEO or President	503 N. 21st Street, Ozark, MO 65721
Laboratoires Colba Inc.	ATTN: CEO or President	6465 Rte Transcanadienne, St-Laurent, Québec, H4T 1S3, CANADA
Imperial Distributors, Inc.	ATTN: CEO or President	33 Sword St., Auburn, MA 01501-2195
Qod Cosmetic Usa	ATTN: CEO or President	652 Haddon Road, Oakland, CA 94610
AVEYOU Beauty Boutique	ATTN: CEO or President	280 Norwood Ave, Deal, NJ 07723
Neogen Corporation	ATTN: CEO or President	620 Leshler Place, Lansing, MI 48912
Foal, LLC	ATTN: CEO or President	1114 E. Colley Rd, Beloit, WI 53511
Amazon.com, Inc.	ATTN: CEO or President	410 Terry Avenue N, Seattle, WA 98109
Corporation Service Company	c/o Amazon.com, Inc.	300 Deschutes Way SW, Suite 304, Seattle, WA 98501

II. California Attorney General (via website Portal): On July 11, 2014, I uploaded a true and correct copy thereof as a PDF file via the California Attorney General's website.

III. District and City Attorneys (via U.S. Mail): On July 11, 2014, I served the following persons and/or entities at the last known addresses by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and addressed as follows

See attached pages for full service list

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

July 11, 2014

Date

Daniel N. Greenbaum, Esq.

Printed Name



Signature

District Attorney
ALAMEDA COUNTY
1225 Fallon Street, Room 900
Oakland, CA 94612

District Attorney
ALPINE COUNTY
PO Box 248
Markleeville, CA 96120

District Attorney
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District Attorney
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District Attorney
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El Centro, CA 92243

District Attorney
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168 North Edwards
Independence, CA 93526

District Attorney
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Bakersfield, CA 93301

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KINGS COUNTY
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Hanford, CA 93230

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Lakeport, CA 95453

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Susanville, CA 96130

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Madera, CA 93637

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Mammoth Lakes, CA 93546

District Attorney
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Salinas, CA 93902

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Riverside, CA 92501

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Sacramento, CA 95812

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303 W. Third Street
San Bernardino, CA 92415

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330 W. Broadway, Suite 1300
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SAN FRANCISCO COUNTY
880 Bryant Street, Third Floor
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Dennis J. Herrera
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City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

CERTIFICATE OF MERIT

I, Daniel N. Greenbaum, hereby declare:

(1) This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

(2) I am the attorney for the noticing party.

(3) I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.

(4) Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

(5) The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

July 11, 2014

Daniel N. Greenbaum, Esq.



Date

Printed Name

Signature